

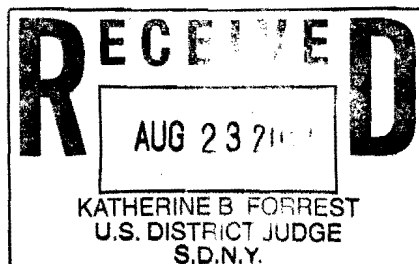
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**MCCARTER
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ATTORNEYS AT LAW

August 23, 2012

HAND DELIVERY

The Honorable Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: **Microsoft Corporation/SAP AG v. DataTern, Inc.**
No. 11-cv-2365-KBF; No. 11-cv-2648-KBF

Dear Judge Forrest:

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On behalf of DataTern, pursuant to this Court's Rule 1.E., I am writing to request an extension with respect to *all* expert reports—infringement, validity and damages—until four business days after this Court's ruling on claim construction but not beyond September 7, 2012 with an equivalent adjustment in the schedule for replies and for expert depositions. Such reports would otherwise be due to be exchanged on August 24, 2012. The Plaintiffs have agreed to a limited extension until Wednesday, August 29, 2012 with a concomitant extension of the time period for replies. Plaintiffs have requested that we inform the Court that Plaintiffs have agreed to that solely in an effort to narrow if not avoid dispute.

DataTern respectfully submits that such an extension would advance the orderly consideration of this case and afford the Court time to consider the various matters now before the Court. The enlargement is fundamentally necessary because the decision on claim construction will directly affect the opinions to be rendered by each of the experts in this matter as to what infringes, the claimed invalidity, and damages.

We continue to believe that the extension requested in our earlier letters with respect to the damage expert report is appropriate for the reasons stated therein and accordingly make this interim request until the Court has had an opportunity to address the matters raised in those letters.

Respectfully,

William A. Zucker
William A. Zucker

WAZ/jrg

cc: Counsel for Microsoft and SAP

The schedule is adjourned as follows:

- ① The parties shall exchange opening expert reports not later than 8/29/12.
- ② The parties shall exchange responsive expert reports not later than 9/19/12.
- ③ Expert discovery shall close on 10/3/12.

No other deadlines are extended.

SO ORDERED:

Katherine B. Forrest

HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE

8/24/12